

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KEITH BRACHT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:04CV1286 HEA
	)	
IGOR GRUSHEWSHY, et al.,	)	
	)	
Defendants	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's Motion to Alter Judgment Pursuant to Federal Rule of Civil Procedure 59(e), [Doc. No. 89]. Defendant Monnye Gross has filed a written objection to the motion. For the reasons set forth below, the Motion is denied.

District courts enjoy broad discretion in ruling on these types of motions. *See Concordia College Corp. v. W.R. Grace & Co.*, 999 F.2d 326, 330 (8th Cir.1993). Rule 59(e) states that "[a]ny motion to alter or amend a judgment shall be filed no more than 10 days after the entry of the judgment." Fed.R.Civ.P. 59(e). The Eighth Circuit has explained that Rule 59(e) "was adopted to clarify a district court's power to correct its own mistakes in the time period immediately following entry of judgment." *Innovative Home Health Care v. P.T.--O. T. Assoc. of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998)(quoting *Norman v. Arkansas Dep't of Educ.*, 79 F.3d 748, 750 (8th Cir. 1996)). Motions under Rule 59(e) serve the limited

function of correcting “manifest errors of law or fact or to present newly discovered evidence.”” *Id.* (quoting *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988)). “Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” *Id.* Rule 59(e) motions are not proper vehicles for raising new arguments or legal theories. *Capitol Indemnity Corp. v. Russellville Steel Co., Inc.*, 367 F.3d 831, 834 (8th Cir.2004). Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence. *Id.* (citations and quotations omitted).

In this case, Plaintiff disagrees with the Court’s rulings on the Motion for Summary Judgment with regard to the claims against Defendant Gross. The Court has reviewed the pleadings, the record and the ruling and finds no manifest errors of law or fact which would justify granting a Rule 59(e) motion to amend or alter its prior judgment. Plaintiff continues to argue the same issues argued against summary judgment and has failed to present any manifest errors of law or fact in the Court’s ruling.

After a careful review of this record, the Court finds no manifest errors of law or fact in its decision. Thus, there is no reason for amending the judgment in this case.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion to Alter Judgment  
Pursuant to Federal Rule of Civil Procedure 59(e), [Doc. No. 89], is denied.

Dated this 4th ay of January, 2007.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

---

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE